IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.17380 of 2004

Between:

1 Khadeera Begum, W/o late M.A.Khadeer,
R/o. H.No.17-1-182/B/15, Salar Nagar, Madannapet,
Hyderabad.
2. Md.Siraj Ahmed, S/o late M.A.Khadeer,
R/o. H.No.17-1-182/B/15, Salar Nagar, Madannapet,
Hyderabad.

..... PETITIONER(S)

AND

1 The Vice Chairman & Managing Director, APSRTC,

Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC., Hyderabad City Region,

J.B.S.,Picket, Secunderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents in not appointing the 2nd petitioner to the post of Cleaner/Attender/Sharamic or any other suitable post on compassionate grounds is wholly illegal, arbitrary and unjust, and consequently direct the respondents to appoint the 2nd petitioner to the post of Cleaner/Attender/Sharamic or any other suitable post on compassionate grounds.

Counsel for the Petitioner:MR.G.RAVI MOHAN, Advocate

Counsel for the Respondents.: MR.P.VINAYAKA SWAMY, Advocate

The Court made the following :

O R D E R:

The second petitioner is contending that he is the son of late Sri.M.A.Khadeer who was an employee of the respondent-Corporation. His father died on 19-9-1998 in harness, during the course of employment. The second petitioner being the son of the deceased employee made an application to the respondents on 06-01-2001 for appointment on compassionate grounds. After attaining the age of majority, the second respondent through the communication dated 25-6-2001 intimated the second petitioner, that there are no vacancies under the Breadwinner Scheme and the second petitioner is not entitled for the post of Conductor since his qualification is VI standard, and avail the monetary benefit. The second petitioner being aggrieved by the said order filed W.P.No.19613 of 2001 and the same was dismissed, on the representation of the respondents that there was a ban on recruitment to the post of cleaner under the Breadwinner Scheme. This Court gave a direction to the petitioner to take additional monetary benefit in lieu of employment. The petitioner contends that he did not receive any monitory benefit in lieu of employment. He further contends that in pursuance of the circular No.PD.30/1993,

dated 18-3-1993, the second petitioner is entitled for an appointment in the Corporation in any suitable post on compassionate grounds. The petitioner also made an application to the respondents on 25-1-2004 for considering his case in view of the circular of the Corporation dated 05-05-2000, but no action has been taken by the respondents. The petitioner therefore, approached this Court through this writ petition, seeking to declare that the action of the respondents in not appointing the second petitioner to the post of clearner/attender/shramik or any other suitable post on compassionate ground is illegal arbitrary and unjust. The petitioner is contending that by the date of the death of his father, he was a minor. He made an application in the year 2001 for compassionate appointment after attaining the age of majority.

The grievance of the petitioner is that the respondents instead of providing him the employment under the Breadwinner Scheme sent the impugned intimation dated 10-08-2004, directing him to come on any working day to collect the cheque of additional monetary benefit in lieu of employment. The petitioners are contending that since they did not receive the additional monitory benefit as on today, they are entitled to ask for employment under the Breadwinner Scheme as per the circular of the Corporation in the year 1993 and Circular No.PD.30/2000, dated 5-5-2000. Since no orders have been passed on the representation of the petitioner regarding the compassionate appointment, the respondents are directed to pass appropriate orders on the representation of the petitioner regarding his request for compassionate appointment by considering his eligibility and other factors according to the rules, within two months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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28th September, 2004.

Mrb

To

1 The Vice Chairman & Managing Director, APSRTC,

Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC., Hyderabad City Region,

J.B.S.,Picket, Secunderabad.

3. Two CD copies